

OCT 08 2002

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
715-1-060 CIP

First named inventor: John W. Liskowitz

Application No.: 09/234,810

Group Art Unit: 1723

Filed: January 21, 1999

Examiner: B. Hearn

Title: METHOD FOR PREPARING FLY ASH FOR HIGH COMPRESSIVE STRENGTH CONCRETE
AND MORTAR, AND COMPOSITIONS THEREOF

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 640.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Request for Reconsideration of Petition Under 37 CFR 1.47(a) (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

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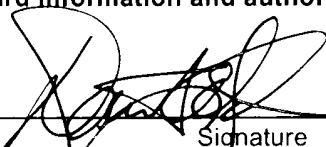
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Oct. 3, 2002
Date


Signature

Telephone
Number: (201) 487-5800

David A. Jackson

Typed or printed name

411 Hackensack Avenue

Address

Hackensack, New Jersey 07601

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Letter to inventor Just with copy of Declaration; Certified Mail Receipt

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

10/3/02
Date


Signature

Lois A. Snure

Type or printed name of person signing certificate



PATENT
715-1-060 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : John W. Liskowitz *et al* EXAMINER : B. Hearn
SERIAL NO. : 09/234,810 ART UNIT : 1755
FILED : January 21, 1999
FOR : METHOD FOR PREPARING FLY ASH FOR HIGH COMPRESSIVE
STRENGTH CONCRETE AND MORTAR, AND COMPOSITIONS
THEREOF

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231 on October 3, 2002.

David A. Jackson, Reg. #26,742
(Name of Registered Representative)

Leis A. Sure 10/3/02
(Signature and Date)

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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OCT 10 2002

OFFICE OF PETITIONS

Dear Sir:

Applicants hereby request reconsideration of the Decision dated July 24, 2000, with respect to the acceptance of the present Application as fully compliant with all requirements for assignment of a Serial No. and Filing Date.

The Decision pointed out that, while Applicants sought to establish the unavailability or unwillingness of inventor Dennis Just to execute the Declaration and Power of Attorney and to

thereby join in the completion of the filing of the subject Application, the documents submitted were those with respect to a prior parent Application and not with respect to the instant Application. The Decision also states that of the requirements for the processing of a grantable Petition under 37 CFR 1.47(a) the proof that the non-signing inventor cannot be reached or refuses to sign the Oath or Declaration after having been presented with the Application papers, must be submitted. The Decision goes on to state that the last known address of inventor Just must also be included so that evidence of bonafide attempts to contact inventor Just can be considered to have been made.

In response, the undersigned submits herewith a copy of correspondence that was forwarded to inventor Just as of December 12, 2000 as certified mail, and including a card confirming receipt of the documents in question. Accordingly, a copy of the letter is enclosed herewith, together with a signed and canceled receipt that accompanied the package to its destination.

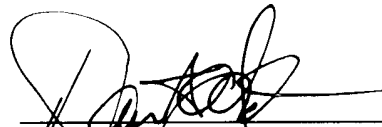
Applicants advise with regard to the last known address of inventor Just, that it is 1925 Akron Peninsula Road, Akron, Ohio 44313. Efforts to ascertain a more current address of inventor Just have proved fruitless as there are no personal listings for inventor Just either in Akron or anywhere else in Ohio.

On this basis therefore, Applicants believe that they have complied with the requirements of 37 CFR 1.47(a) in providing and forwarding to the last known address of inventor Just a copy of the present Application as filed, together with the appropriate documents for execution so as to complete the filing of the present Application.

For all of the above reasons, Applicants believe that the information required for the Petition under 37 CFR 1.47(a) to be granted, is provided herewith. Accordingly, reconsideration of the Petition and grant thereof to enable the orderly processing of the present Application to continue, is courteously solicited.

Respectfully submitted,

KLAUBER & JACKSON



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Enclosures